

Serial No.: 09/878,860

Atty. Docket No. 006385.00001

REMARKS

The pending claims (Previously added claims 11 – 22 and New claims 23-29) are directed to a novel method of presenting a baseball game for viewing (and re-viewing). The claims are supported by the original application and do not add any new matter. The newly added claims find support in the specification (Amended) for the added limitation of obtaining subscribers for viewing the broadcast of the edited recording, for example, in paragraph [0007]. Please refer to Amendment A, previously submitted for additional information and support.

Claims 23 through 29 are added to present claims including a step of offering the edited recording to subscribers.

Examiner Chambers requested the inventors' declaration attesting to the fact that the invention was made before Major League Baseball's introduction of their Condensed Games service. A rule 131 declaration by the inventors is enclosed with this amendment in response to that request. Examiner Chambers also requested a reaffirmation of the inventors' understanding that others are using their invention. In the Declaration, the inventors swear behind the Press Release dated March 27, 2001, which announced an agreement between MLB Advanced Media and RealNetworks. The press release used the phrase "condensed game playback content," but in no way described what that phrase entailed. In any event, that March 2001 press release is the earliest public announcement of which the inventors are aware that could, in hindsight, be associated with Condensed Games. Actually, the first announcement of the "Condensed Games" offering was March 5, 2002.

Applicants respectfully request prompt reconsideration of their application. The claimed invention has been commercially adopted by Major League Baseball (MLB). In this regard, applicants suggest that the Examiner visit and review Major League Baseball's website, www.mlb.com, to examine its on-line product Condensed Games, found in the video scroll down tool bar.

Applicants contend that MLB's Condensed Games product was conceived and launched using applicants claimed invention of editing a baseball game down to its outcome-determining

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another base not associated with the game action resulting from the final pitch and (iii) unsuccessful attempts of the runners on base to advance to another base resulting in an out not associated with the game action resulting from the final pitch; (3) obtaining subscribers for viewing the edited recording and (4) playing or broadcasting the edited recording as a condensed recorded game for viewing by the subscribers, whereby only outcome determinative game action is displayed.

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Claim 25 (NEW) The method of claim 23 wherein the edited recording for a nine-inning baseball game is about 15 minutes.

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Claim 26 (NEW) The method of claim 23 wherein said edited recording comprises only a portion of a nine-inning baseball game.

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Claim 27 (NEW) The method of claim 23 wherein said step of playing or broadcasting the edited recording for viewing is conducted over the Internet.

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Claim 28 (NEW) The method of claim 23 wherein said step of playing or broadcasting the edited recording for viewing is conducted by playing a videotape recording.

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Claim 29 (NEW) The method of claim 23 wherein the edited recording contains audio explaining any substitution of players.

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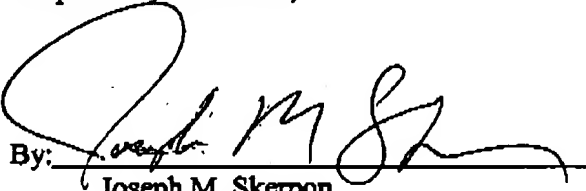
action to produce a video record of 15-20 minutes in duration. MLB's Condensed Games was introduced as a potential offering by MLB in Spring 2002, after applicants disclosed their invention to MLB (see paragraph 6 of the enclosed Rule 131 declaration). Additional information was provided in applicants' prior response.

As noted in the prior response, the adoption by MLB of this method, decades after pre-recording of games was begun and years after the technology of providing such a product/service over the internet was available, stands as an uncontested tribute to the ingenuity and inventiveness of the claimed method. Indeed, note MLB's own used the term "revolutionary" to describe the condensed game product.

This information demonstrates the patentability of the subject matter defined by the pending claims.

On the basis of the foregoing, prompt consideration of all claims in the subject application is respectfully requested.

Respectfully submitted,

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